

CITY OF PLATTSBURGH, NEW YORK
ZONING BOARD OF APPEALS
May 21, 2012 MEETING MINUTES

ZONING MEMBERS PRESENT: Chairperson Ronald Nolland,
Maurica Gilbert, Connie Fisher,
Scott DeMane, Karl Weiss

ZONING MEMBERS ABSENT: Michelle LaBounty, Kathy Latinville

ADMINISTRATIVE STAFF PRESENT: Joseph McMahon

ALSO PRESENT: Richard Benware
Glenn Pavone
John Linney
Paul Blaine
Thomas McFadden
Katherine and George Hubbell

The Following Agenda Was Heard:

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
1928	DEBORAH GORDON-LINNEY JOHN LINNEY 11 PLEASANT STREET	CLASS B VARIANCE TO CONSTRUCT AN ADDITION IN REQUIRED SIDE YARD SETBACK
1929	A. BLAKE ENTERPRISES 25 WHITE STREET	CLASS B VARIANCE TO CONSTRUCT A NEW 4 UNIT ATTACHED STRUCTURE, EXCEEDS BUILDING COVERAGE, OPEN SPACE DEFICIENCY, SET BACK, LOT AREA
1930	THOMAS MCFADDEN 64 BRIDGE STREET	CLASS B VARIANCE ADDING 2 ADDITIONAL APARTMENTS, WILL ADD A PARKING DEMAND OF 4 SPACES
1931	THOMAS MCFADDEN 64 BRIDGE STREET	SPECIAL USE PERMIT TO EXPAND THE RESIDENTIAL USE IN A B-1 ZONING DISTRICT
1932	GLENN PAVONE 31 PROSPECT AVENUE	CLASS B VARIANCE TO ERECT A 6 FOOT FENCE IN FRONT YARD
1933	RICHARD BENWARE 95 LAFAYETTE STREET	CLASS B VARIANCE TO ERECT A DECK IN REQUIRED FRONT YARD

DIGITAL SIGN ORDINANCE DISCUSSION

The City of Plattsburgh Zoning Board Meeting was called to order by Mr. Nolland at 7:04 p.m.

The order of the agenda was changed and the appeals were heard in this order:

Appeal 1933, Richard Benware, 95 Lafayette

Appeal 1932, Glenn Pavone, 31 Prospect Avenue

Appeal 1928, Deborah and John Linney, 11 Pleasant Street

Appeal 1929, A. Blake Enterprises, 25 White Street

Appeal 1930, Thomas McFadden, 64 Bridge Street

APPEAL 1933

APPEAL # 1933 RICHARD BENWARE, CLASS B VARIANCE, 95 LAFAYETTE STREET,
TO ERECT A DECK IN REQUIRED FRONT YARD

Recording time: 00:02:30

Mr. Richard Benware was present for this appeal.

Photos of the property were distributed. The application questions were read into the record.

Mr. Benware would like to put the deck on the front of the property, to sit on the street side.

His relatives live on the street. There are other properties on the street with similar porches.

Ms. Gilbert asked if they would consider a deck on the side of the house, then they would be giving less of a variance.

Mr. Benware stated there was previously a screened in porch the whole width of the house located on the photo where the brick was.

Ms. Fisher asked if he planned on leaving it open, Mr. Benware stated yes.

Mr. Weiss asked if there would be a roof over the porch, Mr. Benware stated no.

Mr. McMahon stated that Ms. Gilbert owns property within 500 feet of the property.

Ms. Gilbert recused herself at this point.

The meeting was opened up to the audience. There were no comments. The public hearing portion was closed.

Mr. Weiss mentioned that it would be similar to other houses on the street if a roof was put over the deck, something extended off the front. Aesthetics wise, would like nicer.

The coverage is 15.8% under. An option could be that a roof could be put on at a later time.

From the audience Ms. Gilbert stated that she wanted remind them that when you have a porch with a roof on it, in can be enclosed, and to include a stipulation in the vote so they don't end up with more habitable space for a subsequent owner.

Recording Time: 00:09:16

Motion: Appeal # 1933, Richard Benware, 95 Lafayette Street, Class B Variance, to erect a deck in the front yard, to approve the construction of the deck with a roof over the top with the stipulation that it can never be enclosed to become habitable space, the size of the deck will be 10' x 6'.

Motion By: Mr. Weiss, Seconded By Ms. Fisher

All In Favor: 5

(Mr. Nolland, Mr. Weiss, Ms. Fisher, Mr. DeMane)

Opposed: 0

Motion Granted

At this time Ms. Gilbert returned to vote on the remaining appeals for this meeting.

APPEAL 1932

APPEAL # 1932 GLENN PAVONE, CLASS B VARIANCE, 31 PROSPECT AVENUE,
TO ERECT A 6 FOOT FENCE IN FRONT YARD

Recording time: 00:11:07

Mr. Glenn Pavone was present for this appeal. His property had a hedge, is now gone. Was about 1 foot into the property line. Approximately 15 foot at the base, about 18 feet high, total of 318 feet of hedges. The trunk of the hedge was about one foot inside the property line. About 7.5 – 8 feet of hedges were onto neighbor's property.

This application was referred to the County Board and their decision was: Local Issue.

This is an R 1 Zoning district, the application was reviewed along with a Short Form SEQR.

Mr. Nolland stated that the board does not usually give 6 foot fences for the front yard setback, the code is really clear at 4 feet. This could set a precedence in that neighborhood.

Mr. Pavone stated the situation is seen on the corner of Kennedy Avenue and Erin Avenue in that location which is basically in his neighborhood. Also on Healey Avenue, about 3-4 in his immediate neighborhood, the West End, with pretty much the same thing.

Mr. Nolland questioned if those were on the property line.

Mr. Pavone stated he is about 38 feet from the center of the road. He is only going 25 feet from the side of his house, out, which will bring it about 1.5 - 2 feet inside his property line. He understands that once he does that, he has to maintain the outside perimeter of his fence so he maintains his property line. Mr. Pavone also mentioned that from what he understands, that if his neighbor maintains it, that property can become theirs after a seven year period, according to Statue of Limitations.

Ms. Gilbert asked if he understands that they are talking about the setback.

Mr. Pavone responded that he did.

Ms. Gilbert continued regarding the two front yards, because he is on a corner, he cannot be higher than 4 feet with a fence. They wouldn't mind a 6 foot fence if he was willing to come in 5 feet or so... if the fence is against the back of the fence that is far enough to create a good line of sight and a compromise.

Mr. Nolland stated the property was underneath the hedge and not being used. 6 feet of fence on the back (street side), in the future it could be replaced with a hedge again and reclaim the property.

The shed cannot be moved. Five feet from the property line on the north side of the house, to maintain the shed, six feet as long as five feet off the property line.

The meeting was then opened up to the audience. There were no comments. The audience portion was then closed.

Recording Time: 00:19:40

Motion: To approve Appeal # 1932, Glenn Pavone, 31 Prospect Avenue, Class B Variance, To erect a six foot fence in the front yard, provision appealed is 270-20-G, the setback that they require, a minimum of 5 feet from the property line on the Dennis Avenue side.

Motion By: Mr. DeMane, Seconded By Ms. Gilbert

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mr. Weiss, Ms. Fisher, Mr. DeMane)

Opposed: 0

Motion Granted

APPEAL 1928

APPEAL # 1928, DEBORAH GORDON-LINNEY AND JOHN LINNEY, CLASS B VARIANCE, 11 PLEASANT STREET
TO CONSTRUCT AN ADDITION IN REQUIRED SIDE YARD SETBACK

Recording time: 00:21:04

Mr. John Linney was present for this appeal.

The application was reviewed. This is located in a RH district. Mrs. Linney has owned the property for 33 years. The Short Form SEQR was included for use as a reference. The board is going to use the drawing that contains the shaded area, 37 feet down the side.

Mr. McMahon stated it appears to require a coverage variance, at about 30% by about 2 %.

There is a 25 foot front yard setback. They wanted to go out 6 feet, which required two variance requests and the applicant did not want to ask for that.

A 55 foot lot, a required setback of 7.8 feet, and combined is 22 feet.

Ms. Fisher asked if there was a reason to put the bedroom in the front.

Mr. Linney responded that there was no other place to put a bedroom and master bath on the first floor. Due to family health issues, they wish to remain in the center city. They have searched for another home near downtown and could not find anything. This is the least offensive way to have a bedroom on the first floor, and the neighbors have not expressed any concerns. Many homes in the neighborhood are built on the property line. Their current home location is accessible to walking to the downtown area.

The meeting was then opened up to the audience. There were no comments. The audience portion was then closed.

10 feet wide would not provide anything functional for a master bedroom of any kind. The coverage is less than 3% building coverage, is required to have 30% and has 33%. The pool or pool cement does not affect the coverage, because it is not more than a certain percentage of the lot.

Recording Time: 00:35:20

Motion: Appeal # 1928, Deborah Gordon-Linney and John Linney, 11 Pleasant Street, to make a motion to allow them for a Class B Variance to construct an addition as shown on existing house map on a lot that is 12 x 37 feet, that is combined coverage of 33% of the lot and has a side yard setback combination of 17 feet where 22 feet is required.

Motion By: Ms. Fisher, Seconded By Mr. DeMane

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mr. Weiss, Ms. Fisher, Mr. DeMane)

Opposed: 0

Motion Granted

APPEAL 1929

APPEAL # 1929, A. BLAKE ENTERPRISES, CLASS B VARIANCE, 25 WHITE STREET,
TO CONSTRUCT A NEW 4 UNIT ATTACHED STRUCTURE, EXCEEDS BUILDING COVERAGE,
OPEN SPACE DEFICIENCY, SET BACK, LOT AREA

Recording time: 00:38:03

Mr. Paul Blaine was present for this appeal.

This property was purchased last fall. This is currently a single family home. There are two nonconforming structures on the lot. A letter of authorization was read into the record for Mr. Blaine and Mr. Curry to represent A. Blake Enterprises at this meeting. The Zoning district is R2. The application and Short Form SEQR were reviewed.

The zoning table that was included in the application did not appear to be clear.

For a total of 5 apartment units, they need 12,425 square feet, have 11,500 square feet, for a 926 square foot variance. Coverage is 2300 square feet required and they are 2890 square feet, 590 square foot variance request. The setback in the application appears confusing from George Street. The 30 feet setback where the existing single family residence part of which has been has been grandfathered in its present use. Mr. Blaine explained where the second existing structure is on the lot. The existing parking on George Street, is in the front yard setback. Parking in the front yard is not allowed to be created. Open space calculation has been provided at 47%, the minimum is 45%. Mr. Blaine agreed that this open space calculation was correct.

A discussion took place regarding the paving, the entrance to the paving as shown on the site plan provided. The open space wasn't caught when the application was submitted. Mr. Blaine was called by Mr. McMahon of the Building Inspector's office.

There are two single family structures on the lot. Density is controlled throughout the city by parking. Three units would require less space. The concern is the crowded spaces.

Mr. Nolland stated he understood the economics needed to support the project. Concerns expressed were the amount of coverage over what is allowed. This is a precedence they do not want to set.

Ms. Gilbert stated she didn't see parking in any of the spaces, maneuvering the cars into the spaces without hitting another car.

Mr. Blaine stated they were on a timeline for putting the parking together, they can revise and bring them back, he understands the parking on the plan provided. Mr. Blaine did explain the parking plan including a five foot buffer to get out.

Mr. Blaine stated that they understand this is an intense use of property and are looking for direction from the board.

Ms. Gilbert stated they don't want an intense use on this lot.

If the board votes no, it could not be brought back for a year. A different request would have to be brought back. Mr. Nolland offered to meet with them at the Building Inspector's Office.

Mr. Blaine asked for additional comments from the board and if they would consider voting, without a concrete plan on paper.

Ms. Gilbert and Mr. DeMane stated the design would not work, they would need a plan that works.

This application could be postponed for one month.

Concerns by the board was discussed including the closeness to George Street, the width from the building to the line of the parking where the striping would end, green space, driving aisle, angle of parking, asphalt area of parallel and diagonal parking, Common Council approval for two streets that connect to a driveway, directional signs and other multifamily housing in this area.

Mr. Blaine asked the board about an alternative parking plan.

Two streets are not allowed to be connected as described in the parking plan provided.

Mr. Blaine stated he would appreciate it if they could postpone for one month and he asked if there was something different they could have done to have the application approved tonight.

Mr. Nolland stated that there are various levels of preliminary plans. He feels that they have an idea, but because it is relatively extreme, not that they didn't prepare.

Recording Time: 01:10:15

Motion: Appeal # 1929, A. Blake Enterprises, 25 White Street, to Postpone for one month on the board's behalf.

Motion By: Ms. Fisher, Seconded By Ms. Gilbert

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mr. Weiss, Ms. Fisher, Mr. DeMane)

Opposed: 0

Motion Granted to Postpone for One Month

APPEALS 1930 AND 1931

APPEAL # 1930, THOMAS MCFADDEN, CLASS B VARIANCE, 64 BRIDGE STREET,
ADDING 2 ADDITIONAL APARTMENTS, WILL ADD A PARKING DEMAND OF 4 SPACES

APPEAL # 1931, THOMAS MCFADDEN, SPECIAL USE PERMIT, 64 BRIDGE STREET
TO EXPAND THE RESIDENTIAL USE IN A B-1 ZONING DISTRICT

Recording time: 01:11:00

Mr. Thomas McFadden was present for this appeal. This property is not a part of the Special Parking District. Six parking spaces are available, lacking two spaces.

The following changes were made to the Long Form SEQR:

Page 3:

Existing changed to 6

Proposed changed to 6

Each of the four two bedroom apartments would require 2 parking spaces.

The parking requirement for the two retail spaces and storage spaces require a total of 12, combined considering all retail and storage, saving one space, rounds to 11 parking spaces.

The storage spaces don't use any back parking, everything is accessed from the front. Mr. McFadden is one of the spaces. The tenant never uses anything in the back. The storage is attached to the retail. 19 spaces are needed, looking at them separately, it would be 20 spaces.

Clearly functioning with 15 spaces. The retail portion doesn't have any bearing on the back where the tenants park. Street parking works fine for the businesses and the municipal lot.

There has not been a parking problem. They get along well with the neighbors in regards to parking.

The meeting was then opened up to the audience. There were no comments. The audience portion was then closed.

This is an existing condition, 6 residential designated parking spaces on the lot. There is no room for the 2 additional parking spaces in the rear. When the property was first purchased, before the fire, a shed was removed to create parking.

Recording Time: 01:27:23

Motion: Appeal # 1930, Thomas McFadden, 64 Bridge Street, for a parking variance.

Recognizing that under the current configuration that's proposed, with retail spaces and residential spaces, there will be 19 spaces needed and recognizing and allowing a 13 space deficiency and the 6 provided parking spaces in the rear will be devoted to residential use. At the same time recognizing as part of this variance, and the reason behind is the public parking lot is available and close for use.

By Ms. Gilbert, seconded by Mr. DeMane

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mr. Weiss, Ms. Fisher, Mr. DeMane)

Opposed: 0

Motion Granted

Recording time: 01:29:20

Motion for Long Form SEQR: The Board finds that no adverse environmental impact regarding the Long Form SEQR that is part of Appeal # 1931.

By Ms. Gilbert, seconded by Mr. Weiss

All In Favor: 5

(Show of hands)

(Mr. Nolland, Ms. Gilbert, Ms. Fisher, Mr. DeMane, Mr. Weiss)

Opposed: 0

Motion Granted to accept SEQR

Recording time: 01:29:56

Motion: Appeal # 1931, To Grant a Special Use Permit to expand residential use in a B1 Zoning District, to Thomas McFadden, 64 Bridge Street, to construct 2 more apartments on the second floor as per the plan provided.

By Ms. Fisher, seconded by Ms. Gilbert

All In Favor: 5

(Mr. Nolland, Ms. Gilbert, Mr. Weiss, Ms. Fisher, Mr. DeMane)

Opposed: 0

Motion Granted

Digital Sign Ordinance Discussion

Katherine and George Hubbell were present for this discussion.

Included in this discussion was the size of signs, residential districts, LED non moving signage, current commercial use on Boynton Avenue. Mr. Hubbell inquired about the possibility of Re Zoning of Boynton Avenue. A Variance would be required for an LED sign at Mr. Hubbell's business on Boynton Avenue.

APPROVAL OF MINUTES

Due to transcription equipment replacement (headset), the minutes from the previous were not available at this time. The minutes will be made available to the board at a later date.

ADJOURNMENT

Motion to Adjourn:

By Ms. LaBounty, seconded by Mr. DeMane

(Ms. Gilbert, Ms. Fisher, Mr. Nolland, Mr. DeMane, Mr. Weiss)

All In Favor: 5

Opposed: 0

The Meeting was adjourned at 8:59 p.m.

Respectfully submitted by:

Debra Jarvis
Zoning Board Secretary